

# EXHIBIT B.8

## **EXPERT REBUTTAL REPORT OF ALON EVIATAR**

1. I have been requested by the Plaintiffs in this case to examine the opinion of Mr. Glen Robinson, and to prepare a rebuttal report refuting Robinson's version on three issues:
  - a. The conduct of the Palestinian Authority and Fatah leadership during Abdullah Barghouti's detention in the Preventive Security apparatus's prison, and his concealment in the home of Marwan Barghouti.
  - b. The status of the al-Aqsa Martyrs Brigades and their relationship with the Fatah movement.
  - c. Arafat's policy during the course of the Second Intifada in relation to continuation or termination of terror activities, and implementation of a ceasefire.

Examination of Mr. Robinson's report was carried out on the basis of my professional experience, acquired over the course of twenty-seven years in which I was closely involved in various aspects of intelligence work; my studies at universities and military colleges; and as one who has investigated the events and developments in the Palestinian arena for the past fifteen years, and who is familiar with the political and social streams within that arena. It was also based on numerous documents that I analyzed for the purpose of preparing this report, which are cited herein. Below is my reasoned treatment of the three issues.

I incorporate by reference my qualifications list, publications, testimony and fee information which was provided in my original report.

### **a. The Detention of Abdullah Barghouti**

2. Robinson writes in his opinion that the positive actions and preferential attitude shown by Marwan Barghouti toward Abdullah Barghouti (during the course of Abdullah's detention in the Preventive Security jail and during his concealment in Marwan Barghouti's home), are not evidence of coordination between Fatah and Hamas, or of providing Abdullah Barghouti the opportunity to continue to carry out terrorist attacks, but rather constitute cultural norms and values customary within the Arab world, and reflect family obligations derived from the fact that they are both men, and members of the same extended family.<sup>1</sup>

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<sup>1</sup> Robinson, p. 68-69.

3. This assertion of Robinson's is somewhat surprising, naïve, disconnected from the facts and the context, and shows evidence of a difficulty in understanding the reality and occurrences over the course of the Intifada, fraught with murderous terror incidents.

**Detention in the Preventive Security Jail and Concealment in Marwan Barghouti's Home**

4. Abdullah Barghouti testified to the police that during his detention (August 9-27, 2001), Marwan Barghouti came to visit him on a number of occasions. Following his release from detention, Marwan Barghouti concealed Abdullah Barghouti in his home for three weeks, together with another terrorist, a member of Hamas named Bilal Barghouti, who had been in detention with Abdullah in the Preventive Security jail. The frequent meetings and Abdullah's concealment by Marwan in his home for a long period are interesting, and raise question marks as to the nature of this relationship that had suddenly intensified considerably between them, given the fact that the two had never met before, certainly not since Abdullah Barghouti's arrival in the Judea and Samaria region at the beginning of 1999. This surprise should be noted in light of the explanation given by Robinson, according to which Marwan's positive attitude toward Abdullah also derived from familial obligations.
5. As one who is familiar with, and who has for many years monitored, Palestinian society, its leaders and the relationships between and within the clans, I believe that the sudden closeness between Abdullah Barghouti and Marwan Barghouti, and the extended refuge granted by Marwan to Abdullah in his home, deviates from all cultural norms and codes customary in this society. It should be mentioned in this context that Abdullah Barghouti stated in his testimony that he "hid" at Marwan's, rather than being "hosted." Apparently Marwan knew very well why he was hiding Abdullah Barghouti in his home and providing him with protection.
6. Apart from that, Abdullah Barghouti said in his testimony that it was Jibril Rajoub, head of the Preventive Security apparatus, and one of the most senior office holders in the Palestinian leadership, who personally handed Abdullah off to Marwan, who gave him refuge. Furthermore, Hassan Yusuf (Abu Musab), one of the heads of Hamas in the Judea and Samaria region, also came to visit Abdullah in jail together with Marwan. Abdullah's family was also brought to the jail, by Marwan's government vehicle and driver, to visit with him. During his detention, Abdullah received a new cell phone from an officer of the Preventive Security apparatus, and he used this for conversations with the terrorist

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<sup>2</sup> Abdullah Barghouti, Bates 7: 323-366.172-215.

Ayman Halawah, commander of the military wing of the Hamas in Nablus. In these conversations, they coordinated continuation of the terrorist attacks.<sup>3</sup>

7. Such individualized treatment and privileges are not customary with regard to any detainee unless that person is particularly senior and well-connected. Such VIP treatment and the supply of individual needs is only given to someone with significant status, who is considered deserving of it by those granting him those privileges. The personal “gestures” given to Abdullah Barghouti did not derive, apparently, from his being an ordinary detainee.
8. By way of comparison, I would emphasize in this context that the Palestinian Authority has, in recent years (particularly since 2008), arrested on political grounds thousands of people identified with the Hamas movement in the Judea and Samaria region, with the aim of restricting the movement’s freedom of action, lessening its members’ freedom of movement, and degrading the Hamas’s civilian infrastructure. Arrests have been made of other people as well, such as political activists from various movements, journalists, and so on. Many hundreds of those detained complained of extended periods of detention for no cause, torture on the part of members of the Authority’s security apparatus, physical violence, medical neglect, serious infringement of human rights, and so on. When the Authority has its eye on interests related to stability of its regime, its political status, and public opinion, it sets the most rigid rules for itself, and demonstrates decisiveness and aggressiveness.
9. Examples of testimony and claims regarding the aggressive, violent conduct of the Palestinian Authority in arrests and imprisonment of individuals is attached – 4, 5, 6, 7, 8, 9.

### **Hospitality in Islam**

10. The distinction between the phase of Abdullah Barghouti’s detention in the Palestinian Authority’s jail and the phase of his protective concealment in the home of Marwan Barghouti and under his auspices is artificial, and serves primarily to distort the picture. The two phases are interrelated, and together reflect the attitude of the Palestinian

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<sup>3</sup> *Ibid.*

<sup>4</sup> <http://www.alqudsonline.com/contentdetails.asp?contentId=9948>

<sup>5</sup> <https://www.paldf.net/forum/showthread.php?t=1109863>

<sup>6</sup> <http://arabic.peopledaily.com.cn/31662/6642567.html>

<sup>7</sup> <http://www.samanews.com/ar/index.php?act=post&id=162167>

<sup>8</sup> <http://www.alquds.co.uk/?p=57547>

<sup>9</sup> <http://www.creativity.ps/details.php?id=92>

Authority's and Fatah's leadership toward Abdullah Barghouti. They represent the approach of the Authority toward a master terrorist such as Abdullah Barghouti, and along with the warm, personal, supportive treatment, they reflect a lenient, lax and even criminal attitude, considering the person whom they held. Here it is appropriate to emphasize that Marwan Barghouti served as head of the Fatah movement, the largest Palestinian political movement (at the time of the incident), a member of the Palestinian Legislative Council (Parliament), and was directly subordinate to Arafat. A leader at his level should bear governmental responsibility, with all that this entails, and is not supposed to act as the "head of a militia" that cooperates with a terrorist in hiding.

11. The question arises: if at the end of his detention, the security apparatus came to the conclusion that Abdullah Barghouti was a terrorist who produces bombs for suicide terrorists – as Israel claimed in its application for his arrest – or was at least suspected of doing so, why did they release him from detention and ensure that he was concealed in the private home of one of the Palestinian Authority's senior figures? Conversely, if they came to the conclusion that Abdullah Barghouti was innocent and was no more than an inoffensive civilian, why did they not release him immediately?
12. Robinson provides an interesting, original explanation for the manner in which Marwan Barghouti treated Abdullah, and notes that this reflects cultural norms of hospitality in the Arab world, and family obligations between the two (who belong to the same large clan, which numbers approximately 10,000 individuals). Hospitality is indeed a well-known custom and tradition in Islam, practiced since the days of the Prophet Mohamed.
13. Warm hospitality of guests in the home of the host is supposed to include the serving of food and drink, and where needed, accommodation for a few days; so is the tradition stated in the Quran and its laws. In her article, "Hospitality in Islam: The Joy of Honoring Guests," researcher Sumayyah Meehan writes of the importance of hospitality to all guests in Islam, and explains that this hospitality includes food and drink to the extent of the host's ability. The article also states that should the guest discuss something unlawful or engage in unlawful activity, the host should ask him to refrain from doing so (emphasis mine – A.A.):<sup>10</sup> "In addition to food and drink, a Muslim should greet his guest with a pleasing attitude and take interest in his conversation. However, if the guest should speak about something unlawful or engage in an unlawful activity, the Muslim has every right to ask him to refrain from doing so. Hospitality of guests does not go beyond what God has decreed in the Islamic faith."

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<sup>10</sup> <http://www.onislam.net/english/reading-islam/understanding-islam/ethics-and-values/460191-hospitality-in-islam-the-joy-of-honoring-others.html?Values=>

14. Researcher Rana Rais Khan also explains the nature of hospitality in Islam, and provides an identical explanation. In addition, in her article “Hospitality in Islam,” which is based on the laws (hadith) of Islam, she points out that a guest is expected to continue on his journey after four days: “On the first day and night, a guest should be offered the best entertainment. In the next two days, hospitality should be moderate. On the fourth day, the guest should leave for his destination. Yet, if the guest chooses to stay, he should not expect formal hospitality but rather seek to be as dependent on himself as possible. If the host willingly entertains the guest after three days, it will be considered charity on his part”<sup>11</sup>.
15. Over the three weeks that Abdullah Barghouti hid in the home of Marwan Barghouti, a number of incidents occurred that are not at all in keeping with the tradition of hospitality customary in the Islamic-Arab world mentioned by Robinson, and which even deviate significantly from it, thus raising a red flag for the reader. I will mention some of them, as they appear from the testimony of Abdullah Barghouti to the police<sup>12</sup>:
  - a. Marwan asked Abdullah to prepare explosive devices for him in case the Israel Defense Forces should enter Ramallah. Subsequently, when it became clear to Marwan that the Israel Defense Forces would not enter Ramallah in the near future, Marwan asked Abdullah to keep the bombs with him (i.e., Abdullah). Such a request from Marwan to Abdullah is not included in the definition of “hospitality.”
  - b. Abdullah Barghouti asked Ahmed Barghouti, Marwan’s personal aide, known as “al-Faransi”, to bring the flask containing 20 liters of H<sub>2</sub>O<sub>2</sub> to Marwan’s home, whence Abdullah drove with the flask to the apartment of terrorist Bilal Barghouti. This flask was left by Palestinian Authority officers in Abdullah Barghouti’s storeroom, in the village of Beit Rima, when they arrested him. This material later served for the preparation of additional lethal terrorist attacks. This is not what is meant by “cultural values” in the Arab world.
  - c. Marwan Barghouti gave Abdullah Barghouti 500 dollars after he left the Preventive Security jail. To the best of my knowledge, it is not customary in Islam for a host to give his guest a sum of money, even if the recipient were a member of the same clan.
16. The circumstances of the Abdullah Barghouti’s extended concealment in the home of Marwan Barghouti are similar to those of another significant event that took place about a year later, in the middle of the Second Intifada. Dozens of people wanted for involvement in terror activity, members of the Fatah leadership, the security apparatus and the al-Aqsa

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<sup>11</sup> <http://hibamagazine.com/category/past-issues/hospitality-in-islam/>

<sup>12</sup> Abdulla Barghouti, Bates 7: 323-366.

Martyrs Brigades, hid under Arafat's auspices in his offices in the Muqata building in Ramallah, thus enjoying protection from the Israeli security forces. It seems that we are dealing here with the same approach: concealment of terrorists in the homes/offices of senior Palestinian Authority figures, providing protection from capture by the Israeli security forces and the possibility of subsequent freedom of action.

### **b. The Policy of the Palestinian Authority and of Arafat during the Intifada**

17. Throughout his opinion, Robinson states categorically that the Palestinian Authority, headed by Arafat, did not support terror and did not have the ability to prevent violence against Israel. According to him, the Authority's leadership made many efforts, and took every step to achieve negotiations with the Government of Israel, and to implement a ceasefire with Israel and with the Palestinian militant groups, while demanding the arrival of an international force that would moderate the situation. Robinson describes an idyllic picture, and states that the Authority consistently called for a cessation of the violence from both sides, and denounced the suicide terrorist attacks and harming of civilians. Robinson claims that the Authority was successful in limiting the acts of violence during periods of official ceasefire, and absolutely denies the accusation against the Authority that it supported terror and cooperated with Hamas in terror, and that it incited acts of violence to be carried out against civilians.<sup>13</sup>
18. Robinson further states that the documents seized during Operation Defensive Shield, which explicitly include transfers of payments to the al-Aqsa Martyrs Brigades, are not evidence of the Authority's support for terror, but rather the payments were intended to cause the operatives to obey the ceasefires and create an obligation on their part.<sup>14</sup>
19. Robinson's categorical statements as to the policy of the Authority under the leadership of Arafat, in relation to the various acts of violence, are extremely strange, do not at all conform to reality, and appear as though formulated superficially, unprofessionally, and without any factual basis. His conclusions do not demonstrate in-depth analysis of the data or of the overall situation, and it appears as though they were written by a visiting foreigner who is totally unfamiliar with what is happening in the Palestinian arena, both on the surface and "behind the scenes." Furthermore, his statements totally ignore reliable, objective testimony and items of information according to which the Palestine Liberation Organization, the Palestinian Authority, the Fatah and the al-Aqsa Martyrs

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<sup>13</sup> Robinson, pp.1,16,17,19,20,23,24,27,58,59

<sup>14</sup> Ibid., p.28

Brigades (which belong to Fatah) demonstrated broad support for terror, and were also involved in it in an active, significant way.

20. One of the key elements in Arafat's policy and approach was doubletalk, lies, and absolute untrustworthiness, totally dependent on interests and circumstances. Robinson's positive impression of Arafat's denunciations of the terrorist attacks is evidence of naivety, of a lack of understanding of the context, and a lack of familiarity with Palestinian internal dynamics.
21. Space limitations prevent me from detailing all the testimonies and proofs available to us, which present an entirely different picture, one that clearly invalidates Robinson's statements. Therefore, only a selected portion of those testimonies will be presented in this report. These constitute a solid, reliable basis and lead to the opposite conclusions from those presented by Robinson. Anyone reading them will be able to clearly construct the true picture.

### **Details of the Testimonies**

22. High level American personalities who held the most senior positions in the Administration during the course of the Intifada, from the presidential level downwards, expressed – on the basis of their extensive experience, judgmental skills, and extensive work with Arafat and the Palestinian leadership – solid attitudes and opinions as to the support for terror by the Authority and the organizations belonging to it. The principal impression arising from these testimonies is to place the blame on the Palestinian Authority and on Arafat as being responsible for and not preventing the terror taking place during the Intifada, involvement in funding acts of terror, a complete lack of trust in the Palestinian leadership and a strong desire to replace it. Following are selected statements from senior figures:

### **Elliott Abrams**

- a. **Arafat returned to terror and ignited a new Intifada... Clinton firmly warned against placing trust in Arafat...** “After the collapse of the Camp David talks in July, Arafat had turned back to terrorism: He had launched a new intifada that was bringing violence to Israeli cities and settlements... It had brought nothing but grief to Clinton, Clinton warned adamantly against trusting Arafat...”<sup>15</sup> “...Israel had sought a peace partner for years but instead had found in Arafat a terrorist. Israel had the right of any state to defend itself against such terror...”<sup>16</sup>

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<sup>15</sup> Abrams, Elliott (2013-01-14). *Tested by Zion* (p. 5). Cambridge University Press. Kindle Edition

<sup>16</sup> Ibid., p.43



- b. **Arafat torpedoed the peace process...** “He (Clinton) told Bush and Vice President-elect Cheney that Arafat had torpedoed the peace process; Cheney often repeated later how bitter Clinton had been and how strongly he had warned the new team against trusting Arafat...”<sup>17</sup>
- c. **Arafat encourages terror...** “Whatever Powell’s vision of his activities, to many in the administration they seemed to be an unwanted continuation of the Clintonian approach: engaging with Arafat despite the terror he was fomenting, allowing him to pay no price for that terror...”<sup>18</sup>
- d. **Arafat funded terror, as opposed to his promises...** “And the following day, 7 were killed and 50 injured in another suicide bombing, this time at a crowded bus stop in Jerusalem’s French Hill neighborhood. Responsibility for the 19 bombing was claimed by the ‘al-Aqsa Martyrs’ Brigade’, which was formally part of Arafat’s Fatah movement. Days later, a meeting in the final week before the speech, new intelligence was received showing that Arafat had authorized a \$20,000 payment to the group – even as he was continuing to tell American officials he was opposed to terror and was stopping it...”<sup>19</sup>
- e. **Bush’s speech, June 24, 2002: Arafat has to be replaced...** “Peace requires a new and different Palestinian leadership, so that a Palestinian state can be born...Today, Palestinian authorities are encouraging, not opposing terrorism... Get rid of Arafat, abandon terror, start building a democracy...”<sup>20</sup>

### **Dan Kurtzer**

- f. **Arafat adopted the Intifada to assist him against Israel...** “Arafat embraced the al-Aqsa Intifada that started in September 2000, probably believing that a measure of violence could be employed as a complement to negotiations in order to persuade the Israelis that there were consequences for not reaching an agreement...”<sup>21</sup> “Although the Intifada was primarily spontaneous, Arafat embraced it as he came to believe that it could serve as an instrument of pressure on the Israelis...”<sup>22</sup>

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<sup>17</sup> Ibid., p. 5

<sup>18</sup> Ibid., p. 7

<sup>19</sup> Ibid., p. 41

<sup>20</sup> Ibid., pp. 41-42

<sup>21</sup> Kurtzer, Daniel C.; Lasensky, Scott B.; Quandt, William B.; Spiegel, Steven L.; Telhami, Shibley (2012-11-20). *The Peace Puzzle: America’s Quest for Arab-Israeli Peace* (Published in collaboration with the United States Institute of Peace) (p. 144). Cornell University Press. Kindle Edition

<sup>22</sup> Ibid., p. 148

- g. **Arafat refused to act against the murderers of Minister [Rehavam] Ze'evi...** "Following the assassination of Israel's minister of tourism, Rehavam Ze'evi, by the Popular Front for the Liberation of Palestine (PFLP), Israel was again ready for major military actions against Palestinians. Israel identified the perpetrators and informed Arafat through intermediaries, but Arafat refused to act..."<sup>23</sup>
  - h. **Seizure of the arms ship Karine A, and Arafat's lies on the subject...** "Israel's capture of a ship containing arms destined for the Palestinians, the Karine A, in early January 2002. After the Israeli navy captured the ship, they waited to announce the seizure and the evidence of Arafat's complicity...Zinni confronted Arafat, but the Palestinian leader waved off the incident as an Israeli setup, even going so far as denying any Palestinian involvement in a letter he later wrote to President Bush. Yet Israel had amassed more than enough evidence to implicate top Palestinian officials, which it used to press its case against Arafat with the Bush administration. This act was a major issue because under the terms of the Oslo Accords, Arafat was not allowed to bring in arms... For Bush and his team, the Karine A affair was a turning point—one that culminated in Bush's June 24, 2002, speech calling for "new" Palestinian leadership..."<sup>24</sup>
  - i. **Colin Powell sees in Arafat the address for violence, and demands of him to cease it...** "In the meeting with Arafat, Powell told him that the administration's patience was at an end; he would be the last administration official Arafat would ever see if Palestinian violence did not cease..."<sup>25</sup>
23. **Senior Palestinian figures**, members of the veteran leadership of the Palestine Liberation Organization, the Palestinian Authority, Fatah and Hamas, **also declared and testified on numerous occasions that the Authority and Arafat initiated terror**, were involved in its execution, funded it and were interested in its continuation. These people had known Arafat, close up, for many years, had worked with him, and understood well his policy, his open and veiled methods, his allusions and his "winks." Following are some selected, representative statements:
- a. **Mahmoud al-Zahar, one of the leaders of the Hamas movement and a former Foreign Minister, at a conference marking the tenth anniversary of the Intifada...** "The late Palestinian President Yassir Arafat instructed the Hamas movement to carry

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<sup>23</sup> Ibid., p. 163

<sup>24</sup> Ibid., pp. 163-164

<sup>25</sup> Ibid., p. 169

out a number of military actions in the heart of the Jewish state, and this was after he felt that the negotiations at that time with the occupation government had failed.”<sup>26</sup>

- b. **Nabil Sha’ath, a senior Palestinian Authority and Fatah member and former minister...** “[Arafat] saw that repeating the first Intifada in new forms, would bring the necessary popular, international, and Arab pressure upon Israel, because it was already impossible to continue denying our right in Jerusalem and the right of the refugees, which are the two main topics [of conflict].”<sup>27</sup>
- c. **Mahmoud Abbas, Palestinian President, Chairman of the Palestinian Authority and Fatah, and Prime Minister during Arafat’s time...** “I demand [the release of] prisoners because they are human beings, who did what we, we, ordered them to do. We, the Authority. They should not be punished while we sit at one table negotiating. This is war. One (Israel) ordered a soldier to kill, and I ordered my son, brother, or others, to carry out the duty of resistance (euphemism for terror). This person killed and the other person killed...”<sup>28</sup>
- d. **Mohamed Dahlan, a senior Fatah member, formerly head of the Preventive Security apparatus in the Gaza Strip..** “Resistance and struggle are our right, a legal right. The international community has confirmed it to us. But it is the responsibility of the leadership to make use of them when it wishes, at the appropriate place and at the appropriate time... I was with Chairman Arafat for years... Arafat would denounce acts [of terror] by day, and by night would do important things. I don’t want to expand on that.”<sup>29</sup>
- e. **Marwan Barghouti testified in his trial that, “as to Fatah’s policy on the terrorist attacks, when Arafat wanted a ceasefire, he would make sure to pass the instruction to many agencies, including Barghouti himself, but when he was interested in a continuation of the actions, he made sure that the operatives, including Barghouti, would understand that from his responses, [or] especially his lack of response... Barghouti also understood Arafat’s support for terrorist attacks in light of the fact that Arafat would approve the financial requests that he submitted for Fatah field operatives who carried out terrorist attacks.”**<sup>30</sup>

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<sup>26</sup> <http://www.palinfo.com/site/pic/newsdetails.aspx?itemid=67>

<sup>27</sup> [http://palwatch.org/main.aspx?fi=711&fld\\_id=721&doc\\_id=5878](http://palwatch.org/main.aspx?fi=711&fld_id=721&doc_id=5878)

<sup>28</sup> [http://www.palwatch.org/site/modules/videos/popup/video.aspx?doc\\_id=459](http://www.palwatch.org/site/modules/videos/popup/video.aspx?doc_id=459)

<sup>29</sup> [http://www.palwatch.org.il/main.aspx?fi=458&fld\\_id=458&doc\\_id=4386](http://www.palwatch.org.il/main.aspx?fi=458&fld_id=458&doc_id=4386)

<sup>30</sup> [http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver\\_bvtn.htm](http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm)

24. **A senior Israeli figure, who was dominant in managing the relationship with the United States – Dov Weisglass, former Director-General of the Prime Minister’s Office...** “(Condoleezza) Rice asked to hear ‘ideas’ – what, in Israel’s view, would be helpful to solve the crisis... I came back and explained our position: the first, immediate thing required – the sine qua non – is an absolute cessation of Palestinian terror. The Palestinian Authority had to carry out systematic, focused and effective actions against terror: intelligence gathering, preventive and penal actions, but none of this will happen... as long as Yassir Arafat continues to lead the Palestinian Authority. It is he who, in effect and in practice, is leading the terror. He believes that terror is a means of achieving the Palestinian political goals... there is no chance that Arafat will act to cease the terror and to prevent it... there will never be a political settlement as long as the terror continues, and in this context Arafat is the problem, not the solution.”<sup>31</sup>

**c. The al-Aqsa Martyrs Brigades – the Military Wing of the Fatah Movement**

25. In his expert opinion Robinson presents an organizational profile of the al-Aqsa Martyrs Brigades, and throughout his report makes a number of key claims:<sup>32</sup>
- a. That these are armed groups that arose at the beginning of the Intifada; they are solitary, independent and autonomous, separate from the Fatah movement and not connected to it. They do not function as the military wing of the Fatah. They are a separate entity from the Palestine Liberation Organization, from the Palestinian Authority, and from Fatah, and they have a unique history, political goals, organizational structure, and legal status. Clearly, the Palestinian Authority’s leadership did not control the Brigades, did not support them, and did not encourage violence on their part.
  - b. The payments transferred to them by Arafat, as identified in the documents seized during Operation Defensive Shield, were aimed at pacifying the Brigades, limiting their violence, implementing the ceasefires, and had the aim of controlling the Brigades. Certain elements within the Brigades obeyed, and this approach worked. As proof, suicide terrorist attacks by the Brigades within Israel ceased.
  - c. The Brigades do not operate under a clear hierarchic structure; they do not have a command and control or leadership framework. They are localized organizations, assembled principally around dominant individuals.

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<sup>31</sup> Dov Weisglass, *Arik Sharon, Prime Minister: A Personal View*, Yedioth Aharonoth and Hemed Books, 2012, pp. 171-172 [Hebrew]

<sup>32</sup> Robinson, pp. 5,13,14,15,22,23,27,28,29,30,58

26. All of Robinson's statements regarding the al-Aqsa Martyrs Brigades are inconsistent with what took place over the years of the Intifada. Robinson ignores facts and extensive data attesting to the Brigades being a terror organization and constituting the military wing of the Fatah movement, and thus being identified with, belonging to and subordinate to the Palestinian Authority and to Arafat. Even if it were an entity with unique elements, these were characteristic of a terror organization – the lack of a single, clear address; rigid compartmentalization; difficulty in identifying operatives and their dispatchers; a clandestine financial system; secret activities; smokescreens, elusiveness, and messages aimed at “deceiving the enemy.”
27. It is as though Robinson's statements and conclusions have been taken, so it seems, straight from the Palestinian Authority's playbook, and from Arafat's speeches and declarations. There is no attempt at locating widely available information and a variety of sources; rather they are a restatement of familiar Palestinian messages. His findings on this issue are unfounded, and exist in a vacuum; there is no accuracy as to detail, no careful analysis or processing of the information, and everything is done superficially, rather than thoroughly.
28. **Details from selected testimony attesting to the al-Aqsa Martyrs Brigades being the military wing of the Fatah movement:**
- a. A quote on the Palestinian Authority's official television station (January 7, 2008), from Abbas Zaki, formerly Palestine Liberation Organization representative in Lebanon and a senior member of the Fatah movement: “There are those who claim that the Fatah (movement) has laid down its arms! I will give you accurate statistics: From June 14 (2007, the Hamas coup in the Gaza Strip) till today, the number of all Palestinian operations carried out stands at 760 operations. The number of operations by the al-Aqsa (Martyrs) Brigades, which belong to the Fatah movement, stands at 220 operations, which is 30% of the total number of operations.”<sup>33</sup>
  - b. **Ahmed Qurei, Palestinian Prime Minister, declared in an interview with the Asharq Alawsat newspaper, dated June 20, 2004, that “the debate as to who the al-Aqsa Brigades are has clearly been resolved, and the al-Aqsa ‘Martyrs’ Brigades will not be disbanded... they will be absorbed into the Fatah institutions, like any other wing... we have announced clearly that the al-Aqsa ‘Martyrs’**

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<sup>33</sup> <http://www.palwatch.org.il/main.aspx?fi=1002>

**Brigades are part of the Fatah movement, and we are sticking to that announcement... the Fatah movement will bear full responsibility.”<sup>34</sup>**

- c. A website that calls itself the “meeting place for Fatah members” displays a picture of Arafat at the top, and allocates a special section to the “martyrs” [shahids] of the Fatah movement, including a page devoted to Na’if Abu Sharah, who is called the “commander-in-chief of the al-Aqsa Martyrs Brigades in the West Bank.” Abu Sharah was personally responsible for dozens of terrorist attacks carried out over the course of the Intifada.<sup>35</sup>
- d. A video glorifying and praising the actions of the al-Aqsa Martyrs Brigades. In one portion of the video, armed terrorists are filmed standing on a platform, behind which hangs an enormous poster bearing the pictures of Yassir Arafat and Na’if Abu Sharah. The message implied by the poster is clear to all.<sup>36</sup>
- e. The news website of the al-Aqsa Martyrs Brigades (which reports current news items from the Palestinian and Arab sphere), under the heading “Who we are,” provides the following statement: **كتائب شهداء الأقصى - فلسطين هي مجموعة عسكرية فلسطينية , الجناح العسكرية لحركة التحرير الوطني الفلسطيني (فتح) تشكلت عام 2000** “The al-Aqsa Martyrs Brigades-Palestine is a Palestinian military group, the military wing of the Palestinian National Liberation Movement (Fatah) established in 2000.” The website also displays pictures of Arafat and other senior Fatah figures, and publishes articles by well-known Fatah members, such as Dr. Nabil Sha’ath, one of the movement’s veteran members and leaders. The website also offers a poster (shown below) that includes greetings from the al-Aqsa Martyrs Brigades – the military wing of the Fatah movement – on the occasion of the Eid al-Fitr holiday.<sup>37</sup>

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<http://www.aawsat.com/details.asp?section=4&issueno=9336&article=240414&search=%C7%CD%E3%CF%20%DE%D1%ED%DA&state=true#.Uh526D9KqEQ>

<sup>35</sup> <http://vipserag.forumr.net/t1459-topic>

<sup>36</sup> <http://www.youtube.com/watch?v=5HqzWvLjYag>

<sup>37</sup> <http://3asfa.com/ar/index.php?act=page&id=1>





- f. The al-Aqsa Martyrs Brigades are a Palestinian military group, one of the military wings of the Fatah, established in 2000 in response to a direct order from Arafat to Major-General (Liwa) Jihad al-Amarin.<sup>38 39</sup>



A visit to the home of Jihad al-Amarin, marking the 11<sup>th</sup> anniversary of his death. The text on the poster: “The al-Aqsa Martyrs Brigades, Gaza Division – the military wing of the Palestinian National Liberation Movement – Fatah”

- g. The website of the al-Jazeera news agency provides a definition for “al-Aqsa Martyrs Brigades”: “The Fatah movement had a number of military arms during its long history, the last of which was the al-Aqsa Martyrs Brigade. The Brigades were established with the outbreak of the al-Aqsa Intifada. Upon their establishment, their activities were characterized by choosing targets according to Fatah’s strategies, however, they were

<sup>38</sup><http://www.alwatanvoice.com/arabic/news/2013/07/05/411781.html>; <http://www.naamy.net/view.php?id=889>; <http://www.pressps.com/news15041.htm>

<sup>39</sup> Al-Amarin was a master terrorist who was smuggled by Arafat into Gaza in 1994, expelled, and later returned as a senior officer in the security apparatus in the Gaza Strip. He established the al-Aqsa Martyrs Brigades in the Gaza Strip, and was responsible for a number of terror attacks. He was assassinated in 2002.

not always bound by the declared policies of Fatah...”<sup>40</sup> Likewise, an Islamic-Arabic current affairs website provides a similar definition, as follows: “The al-Aqsa Martyrs Brigades were established at the beginning of the Second Intifada by the Fatah movement, and belong to it... the Brigades are the successors of the previous military wings of Fatah... their military operations were selected on the basis of Fatah’s strategy, but they are not always obligated (to act) in line with the declared policies of the Fatah movement... the Brigades have a secret source of authority... Some of them are subordinate to local commanders...”<sup>41</sup>

- h. The official Facebook page of the “al-Aqsa Martyrs Brigades-Military Wing” publishes pictures, announcements and numerous items that include Arafat, the names Fatah and al-Aqsa Martyrs Brigades, nationalist slogans, and so on.<sup>42</sup> The same applies to the “al-Aqsa Martyrs Brigades-Gaza Division” website.<sup>43</sup> There can be no mistake as to the Brigades’ political and national identification.
- i. A well-known, reliable, independent Palestinian news website published a report on behalf of the “al-Aqsa Martyrs Brigades – the military wing of Fatah.”<sup>44</sup>
- j. An Arabic economic news website published, in 2006, a report dealing with tensions and violence between Fatah and Hamas, and wrote, “the al-Aqsa Martyrs Brigades, which are the military wing of Fatah, headed by Mahmoud Abbas.”<sup>45</sup>

All of the references quoted above are but a representative sample; there are many more. The al-Aqsa Martyrs Brigades identify themselves as belonging to the Fatah movement; the media publicize this, as do other organizations. This information is basic data, well known in the Palestinian arena, and also clearly available to the general public and to anyone researching the Palestinian issue.

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<sup>40</sup> <http://www.aljazeera.net/specialfiles/pages/6460c1d9-68a8-4750-8caf-fe035d044978>

<sup>41</sup>

[http://islamstory.com/ar/%D9%83%D8%AA%D8%A7%D8%A6%D8%A8\\_%D8%B4%D9%87%D8%AF%D8%A7%D8%A1\\_%D8%A7%D9%84%D8%A3%D9%82%D8%B5%D9%89](http://islamstory.com/ar/%D9%83%D8%AA%D8%A7%D8%A6%D8%A8_%D8%B4%D9%87%D8%AF%D8%A7%D8%A1_%D8%A7%D9%84%D8%A3%D9%82%D8%B5%D9%89)

<sup>42</sup> <https://www.facebook.com/ктаeb.aqsa>

<sup>43</sup> <http://iyrere.wordpress.com/category/%D9%81%D9%8A%D8%AF%D9%8A%D9%88-%D9%83%D8%AA%D8%A7%D8%A6%D8%A8-%D8%B4%D9%87%D8%AF%D8%A7%D8%A1-%D8%A7%D9%84%D8%A3%D9%82%D8%B5%D9%89-%D9%84%D9%88%D8%A7%D8%A1-%D8%BA%D8%B2%D8%A9>

<sup>44</sup> <http://www.maanneews.net/arb/ViewDetails.aspx?ID=621409>

<sup>45</sup> [http://www.aleqt.com/2006/10/04/article\\_59453.html](http://www.aleqt.com/2006/10/04/article_59453.html)



**29. Following is additional evidence:**

- a. Testimony from Brigadier General Yossi Kuperwasser, head of the Research Division in the Israel Defense Forces Intelligence Branch, at the trial of Marwan Barghouti (from the judgment): “The al-Aqsa Martyrs Brigades is a cover name for terror groups of the Fatah, which take public responsibility for acts of terror. The members of the Brigades are, in fact, Fatah operatives, with the majority of the groups viewing the Defendant (Marwan Barghouti) as the key source of authority for their actions.” It is further written in the judgment that “the seized documents (presented in the trial) show that the al-Aqsa Martyrs Brigades apply for financial assistance from Yassir Arafat... the Defendant is the source of authority and funding for the terror operatives of the Fatah movement: he was perceived by the al-Aqsa Martyrs Brigades as the main leader of their activities, served as a communications channel between them and the Chairman of the Palestinian Authority, and transferred to them sums of money totaling tens of thousands of shekels for the purpose of terror activity...”<sup>46</sup>
- b. The judgment against Marwan Barghouti includes additional testimony by senior terror operatives such as Nasser Aweis, Ahmed Barghouti, Nasser Shawish, and others (all of whom have been sentenced to terms of life imprisonment), who admit that they were operatives in the al-Aqsa Martyrs Brigades of the Fatah movement.<sup>47</sup>
- c. Robinson mentions that the Palestinian Authority’s leadership paid money to the al-Aqsa Martyrs Brigades in order to “buy them off,” and claims that this approach worked: from then (no date specified), no suicide terrorist attacks were carried out by the Brigades alone within Israel.<sup>48</sup> This statement is not true: In 2003, three terrorist attacks were carried out by the al-Aqsa Martyrs Brigades alone, and in 2004, four terrorist attacks were carried out by the Brigades alone, all of them within the Green Line. In suicide terrorist attacks carried out in the years that followed, the al-Aqsa Martyrs Brigades took part together with other terror organizations.<sup>49 50 51</sup>

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<sup>46</sup> [http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver\\_bvtn.htm](http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm)

<sup>47</sup> Ibid.

<sup>48</sup> Robinson, p. 30

<sup>49</sup> <http://www.pm.gov.il/PMO/Communication/IsraelUnderAttack/terrorAttacks.htm>

<sup>50</sup> [http://www.terrorism-info.org.il/data/pdf/PDF\\_18891\\_1.pdf](http://www.terrorism-info.org.il/data/pdf/PDF_18891_1.pdf)

<sup>51</sup>

- d. Testimony of Elliott Abrams on funds that Arafat paid to the al-Aqsa Martyrs Brigades following a terrorist attack in Jerusalem, and on Arafat's lies: "And the following day, 7 were killed and 50 injured in another suicide bombing, this time at a crowded bus stop in Jerusalem's French Hill neighborhood. Responsibility for the 19 bombing was claimed by the 'al-Aqsa Martyrs' Brigade', which was formally part of Arafat's Fatah movement. Days later, a meeting in the final week before the speech, new intelligence was received showing that Arafat had authorized a \$20,000 payment to the group – even as he was continuing to tell American officials he was opposed to terror and was stopping it..."<sup>52</sup>

### **End of the Second Intifada**

The second Intifada began to abate at the end of 2004 and over the course of 2005, for numerous reasons, some arising from Israeli policies and actions, and some arising from events and elements associated with the Palestinian side. A key element of Palestinian terror activity in the Intifada was suicide terrorist attacks, carried out by the Hamas, the Islamic Jihad, the Fatah – al-Aqsa Martyrs Brigades, and other organizations; these attacks diminished over the course of 2005<sup>53</sup>. The principal reasons leading to the abatement (not an absolute cessation) of the Intifada were:

- a. The consequences of Operation Defensive Shield (March 2002) – the influence of the operation was also felt subsequently, as the Israeli security forces, operating in Palestinian towns, refugee camps and villages, improved their effectiveness in eradicating terror, and of course made it difficult for Palestinian terror organizations to operate freely, with all that this implied (terror infrastructure, movement of terrorists, etc.)<sup>54</sup> 55 56
- b. The death of Arafat (November 2004) – the departure of the Palestinian leader from the scene had an influence on the various Palestinian "actors" (terror organizations, security apparatus, the public, the media) and on the atmosphere and public opinion, and lessened the motivation, momentum and broad legitimacy for carrying out terror activity.<sup>57</sup>

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<sup>52</sup> Abrams, Elliott (2013-01-14). *Tested by Zion* (p. 41). Cambridge University Press. Kindle Edition

<sup>53</sup> <http://www.inss.org.il/heb/publications.php?cat=132&incat=&read=1455>

Volume 13, Issue 3, October 2010 - All of the articles published in this volume.

<sup>54</sup> . <http://www.idf.il/1133-15453-he/Dover.aspx>

<sup>55</sup> <http://www.haaretz.co.il/magazine/1.1675277>

<sup>56</sup> <http://www.shabak.gov.il/publications/study/Pages/OperationPillarofDefense.aspx>

<sup>57</sup> <http://www.inss.org.il/heb/publications.php?cat=132&incat=&read=1455>

- c. Significant progress in construction of the Separation Fence between Israel and Judea and Samaria – the majority of the suicide terrorists had come into Israel from the areas of Judea and Samaria, and the establishment of the fence proved, over time, its effectiveness in preventing numerous terrorist attacks and reducing the ability of Palestinian terrorists to infiltrate into Israel.<sup>58 59 60</sup>
- d. The entry of Hamas into the official political arena – Hamas ran in the Palestinian local authority elections at the end of 2004 and in 2005, as well as in the elections for the Legislative Council in January 2006. Apparently, this process focused Hamas's efforts not only on terror activity, but also on political activity.<sup>61 62</sup>
- e. The Israeli Disengagement from the Gaza Strip and Northern Samaria (2005) – Israel's departure from these territories led the Palestinian terror organizations to reduce their terror activity, so as not to delay implementation of the Disengagement<sup>63</sup>.
- f. Targeted killings – the Israeli strikes against the heads of the terror organizations (for example, Ahmed Yassin, leader of the Hamas, who was assassinated in March 2004) created a deterrent effect, and forced them to look out for their personal survival, thus impacting their ability and freedom to plan terrorist attacks<sup>64</sup>.

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<sup>58</sup> <http://www.securityfence.mod.gov.il/Pages/Heb/mivne.htm>

<sup>59</sup> [http://www.shabak.gov.il/SiteCollectionImages/Hebrew/TerrorInfo/decade/DecadeSummary\\_he.pdf](http://www.shabak.gov.il/SiteCollectionImages/Hebrew/TerrorInfo/decade/DecadeSummary_he.pdf)

<sup>60</sup> <http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/terror-summary-2005-new.pdf>

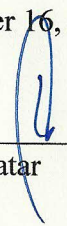
<sup>61</sup> <http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/sikum%20%20years.pdf>

<sup>62</sup> <http://www.inss.org.il/heb/publications.php?cat=132&incat=&read=1455>

<sup>63</sup> <http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/sikum%20%20years.pdf>

<sup>64</sup> <http://www.inss.org.il/heb/publications.php?cat=132&incat=&read=1455>

September 16, 2013

  
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Alon Eviatar